

**Notice of Allowability**

Application No.

10/664,162

Applicant(s)

SOGA, TAKASHI

Examiner

Albert H. Cutler

Art Unit

2622

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Request for Continued Examination of 26 October 2007.
2. ☒ The allowed claim(s) is/are 4-13.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

N. Vu  
NGOC-YEN VU  
SUPERVISORY PATENT EXAMINER

### **DETAILED ACTION**

1. This office action is responsive to communication filed on October 26, 2007.

Claims 1-3 have been cancelled by Applicant. Claims 4-13 are pending in the application and have been examined by the Examiner.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 26, 2007 has been entered.

### ***Allowable Subject Matter***

3. Claims 4-13 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Consider claim 11, the closest prior art of record(Wiezel et al., US 2003/0169350) teaches:

A digital camera("photographing apparatus", 3, figure 1, paragraph 0041), the digital camera(3) comprising:

a mode switching section(A button is used to change the mode of the camera, paragraph 0043) that obtains and temporarily stores freeze image data representative of a composition in response to a composition determining operation(Photo templates(i.e. freeze frames) representing a composition("A photo template is a graphic representation of a composition" paragraph 0045) are selectively uploaded(i.e. the compositions are determined) to the digital camera(paragraph 0042)) and switches to an arbitrary one of a plurality of photographing modes("Guided Photo" is one of a plurality of photographing modes, although Wiezel et al. teaches that this is in addition to already present modes(paragraph 0043)) in response to an actual photographing operation(In the "Guided Photo" mode, a user can look through the view window and view the object to be photographed with the template superimposed over the image. Paragraph 0043), the photographing modes including a photographing memory mode in which image data on a desired object is obtained(Wiezel et al. teaches of a "Guided Photo" mode in which desired templates(i.e. image data on desired objects) stored in memory can be viewed in the camera view window, paragraph 0043);

an image display section("view window", 2, figure 1, paragraph 0041) that displays an image based on the image data(see figure 1, paragraph 0043, The image display section can display a template alone, or a template superimposed on the viewing window.); and

a focusing section(paragraphs 0051-0053, Wiezel et al. teach that a more accurate auto-focus method can be performed using template information.), and

wherein in the photographing memory mode("Guided Photo"), after the composition determining operation(uploading templates from a PC, paragraph 0042) has been finished and before the actual photographing operation is started, the image display section(2) displays, in a superimposing manner(see figure 1, The photo templates are viewed "atop"(i.e. superimposed on) the image, paragraph 0041), a composition based on the freeze image data(template, 1, figure 1) obtained as a result of the composition determining operation and a through image based on through image data representative of the object image currently formed on the solid state imaging device(A composition is displayed showing the template superimposed over the image seen through the viewing window(i.e. the through image), paragraph 0043. This allows the user to position and photograph the subjects correctly.), and

the focusing section, during the actual photographing operation, performs focusing in accordance with the information obtained when the composition determining operation(templates are uploaded from the PC) is performed(In paragraph 0053, Wiezel et al. teach that the photo templates contain information regarding the main region of interest, and communicate said information to the camera's computer. This information allows the computer to perform auto-focusing.) Note: The auto-focus operation of Wiezel et al., discussed in paragraph 0053, uses focus information obtained in the template from the PC, not from focus distances directly measured from the photographing subject.

However, Wiezel et al. do not teach or reasonably suggest that the composition determining operation is one in which freeze image data, representative of through

image data currently formed on the solid state imaging device, is obtained and temporarily stored in the internal memory, or that the controller directs performing focusing in accordance with the distance measured when the composition determining operation was performed as required by the current claim 11.

Claims 4 and 8 are allowed as being dependent upon an allowed claim 11.

Consider claim 12, the closest prior art of record(Wiezel et al., US 2003/0169350) teaches:

A digital camera("photographing apparatus", 3, figure 1, paragraph 0041), the digital camera(3) comprising:

a mode switching section(A button is used to change the mode of the camera, paragraph 0043) that obtains and temporarily stores freeze image data representative of a composition in response to a composition determining operation(Photo templates(i.e. freeze frames) representing a composition("A photo template is a graphic representation of a composition" paragraph 0045) are selectively uploaded(i.e. the compositions are determined) to the digital camera(paragraph 0042)) and switches to an arbitrary one of a plurality of photographing modes("Guided Photo" is one of a plurality of photographing modes, although Wiezel et al. teaches that this is in addition to already present modes(paragraph 0043)) in response to an actual photographing operation(In the "Guided Photo" mode, a user can look through the view window and view the object to be photographed with the template superimposed over the image.

Paragraph 0043), the photographing modes including a photographing memory mode in which image data on a desired object is obtained(Wiezel et al. teaches of a "Guided Photo" mode in which desired templates(i.e. image data on desired objects) stored in memory can be viewed in the camera view window, paragraph 0043);

an image display section("view window", 2, figure 1, paragraph 0041) that displays an image based on the image data(see figure 1, paragraph 0043, The image display section can display a template alone, or a template superimposed on the viewing window.); and

a focusing section(paragraphs 0051-0053, Wiezel et al. teach that a more accurate auto-focus method can be performed using template information.), and

wherein in the photographing memory mode("Guided Photo"), after the composition determining operation(uploading templates from a PC, paragraph 0042) has been finished and before the actual photographing operation is started, the image display section(2) displays, in a superimposing manner(see figure 1, The photo templates are viewed "atop"(i.e. superimposed on) the image, paragraph 0041), a composition based on the freeze image data(template, 1, figure 1) obtained as a result of the composition determining operation and a through image based on through image data representative of the object image currently formed on the solid state imaging device(A composition is displayed showing the template superimposed over the image seen through the viewing window(i.e. the through image), paragraph 0043. This allows the user to position and photograph the subjects correctly.), and

the focusing section, during the actual photographing operation, performs focusing in accordance with the information obtained when the composition determining operation(templates are uploaded from the PC) is performed(In paragraph 0053, Wiezel et al. teach that the photo templates contain information regarding the main region of interest, and communicate said information to the camera's computer. This information allows the computer to perform auto-focusing.) Note: The auto-focus operation of Wiezel et al., discussed in paragraph 0053, uses focus information obtained in the template from the PC, not from focus distances directly measured from the photographing subject.

However, Wiezel et al. do not teach or reasonably suggest that the composition determining operation is one in which freeze image data, representative of through image data currently formed on the solid state imaging device, is obtained and temporarily stored in the internal memory, or that the controller directs performing exposure adjusting in accordance with the luminance measured when the composition determining operation was performed as required by the current claim 12.

Claims 6 and 9 are allowed as being dependent upon an allowed claim 12.

Consider claim 13, the closest prior art of record(Wiezel et al., US 2003/0169350) teaches:

A digital camera("photographing apparatus", 3, figure 1, paragraph 0041), the digital camera(3) comprising:

a mode switching section(A button is used to change the mode of the camera, paragraph 0043) that obtains and temporarily stores freeze image data representative of a composition in response to a composition determining operation(Photo templates(i.e. freeze frames) representing a composition("A photo template is a graphic representation of a composition" paragraph 0045) are selectively uploaded(i.e. the compositions are determined) to the digital camera(paragraph 0042)) and switches to an arbitrary one of a plurality of photographing modes("Guided Photo" is one of a plurality of photographing modes, although Wiezel et al. teaches that this is in addition to already present modes(paragraph 0043)) in response to an actual photographing operation(In the "Guided Photo" mode, a user can look through the view window and view the object to be photographed with the template superimposed over the image. Paragraph 0043), the photographing modes including a photographing memory mode in which image data on a desired object is obtained(Wiezel et al. teaches of a "Guided Photo" mode in which desired templates(i.e. image data on desired objects) stored in memory can be viewed in the camera view window, paragraph 0043);

an image display section("view window", 2, figure 1, paragraph 0041) that displays an image based on the image data(see figure 1, paragraph 0043, The image display section can display a template alone, or a template superimposed on the viewing window.); and

a focusing section(paragraphs 0051-0053, Wiezel et al. teach that a more accurate auto-focus method can be performed using template information.), and



wherein in the photographing memory mode("Guided Photo"), after the composition determining operation(uploading templates from a PC, paragraph 0042) has been finished and before the actual photographing operation is started, the image display section(2) displays, in a superimposing manner(see figure 1, The photo templates are viewed "atop"(i.e. superimposed on) the image, paragraph 0041), a composition based on the freeze image data(template, 1, figure 1) obtained as a result of the composition determining operation and a through image based on through image data representative of the object image currently formed on the solid state imaging device(A composition is displayed showing the template superimposed over the image seen through the viewing window(i.e. the through image), paragraph 0043. This allows the user to position and photograph the subjects correctly.), and

the focusing section, during the actual photographing operation, performs focusing in accordance with the information obtained when the composition determining operation(templates are uploaded from the PC) is performed(In paragraph 0053, Wiezel et al. teach that the photo templates contain information regarding the main region of interest; and communicate said information to the camera's computer. This information allows the computer to perform auto-focusing.) Note: The auto-focus operation of Wiezel et al., discussed in paragraph 0053, uses focus information obtained in the template from the PC, not from focus distances directly measured from the photographing subject.

However, Wiezel et al. do not teach or reasonably suggest that the composition determining operation is one in which freeze image data, representative of through

image data currently formed on the solid state imaging device, is obtained and temporarily stored in the internal memory, that the controller directs performing focusing in accordance with the distance measured when the composition determining operation was performed, or that the controller directs performing exposure adjusting in accordance with the luminance measured when the composition determining operation was performed as required by the current claim 13.

Claims 5, 7 and 10 are allowed as being dependent upon an allowed claim 13.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Soga et al.(JP2000-270242) teach of displaying an auxiliary frame over an object image on a viewfinder such that the subjects of a photograph can be aligned correctly(see abstract, figures 4-17).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert H. Cutler whose telephone number is (571)-270-1460. The examiner can normally be reached on Mon-Fri (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571)-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

  
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SUPERVISORY PATENT EXAMINER